



FH

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

AMENDED DECISION

Case #: MPA - 206847

PRELIMINARY RECITALS

Pursuant to a petition filed on November 14, 2022, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Medicaid Services regarding Medical Assistance (MA), a hearing was held on January 4, 2023, by telephone.

This Decision is being amended to include the content relating to the lower partial denture (code D5212) which was not included in the department's written response to the appeal. Following hearing the department sent additional information to the ALJ indicating that the denial of the lower denture was also being reversed.

The issue for determination is whether there is any issue in dispute.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: J. Busby, DDS (in writing)
Division of Medicaid Services
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:
John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES #) is a resident of Milwaukee County.
2. Petitioner sought PA approval for upper and lower partial dentures (code D5211 and D5212).
3. The request was initially denied on 10/10/22.
4. Based on further review of information by the dental consultant, the DMS issued a letter on 1/4/23 indicating that the DMS would reverse the denial and approve the PA request with regard to both the upper partial denture. The letter did not mention the lower partial.
5. On 1/4/23 DHA support staff forwarded a copy of the DMS letter to petitioner.
6. On 1/30/23 the ALJ issued a Decision of dismissal stating that the issue with regard to the upper partial was moot.
7. The department sent a letter to the ALJ on 2/2/23 indicating that the lower partial was included in the reversal and would be approved in addition to the upper. The department explained that the omission of the lower partial from its initial letter was an oversight.

DISCUSSION

If petitioner has not already done so, petitioner must share the DMS letter with her provider who should submit a new PA with a copy of the DMS letter. The PA for both upper and lower partial dentures will then be approved.

CONCLUSIONS OF LAW

There remains no issue in dispute as this denial has been reversed by the DMS.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision.** Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

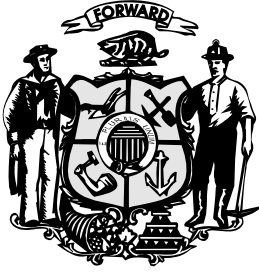
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of
Madison, Wisconsin, this 6th day of
February, 2023


s

John P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on February 6, 2023.

Division of Medicaid Services